REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 21, 2005. Applicants appreciate the Examiner's consideration of the Application. Claims 1, 4-5, 8, 11-12, and 19-20 have been amended. Certain amendments do not narrow the scope of the claims, and certain amendments are not required for patentability.

In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 103(a) Rejections

The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-6, 8-13, and 15-16 as being unpatentable over U.S. Patent No. 6,728,551 to Chang ("*Chang*") in light of U.S. Patent No. 6,097,953 to Bonta et. al. ("*Bonta*") and U.S. Patent No. 5,793,805 to Nikides ("*Nikides*"); and Claims 19 and 20 as being unpatentable over *Chang* in view of *Bonta*, *Nikides*, and U.S. Patent No. 6,622,023 issued to Chheda ("*Chheda*").

Applicants respectfully traverse this rejection. Applicants respectfully submit that the claims are patentable over the combinations proposed by the Examiner for the reasons discussed below.

1.   **The *Chang-Bonta-Nikides* combination fails to disclose, teach, or suggest the elements recited in Claims 1-6, 8-13, and 15-16.**

Applicants respectfully submit that the combination of *Chang*, *Bonta*, and *Nikides* proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicants' claims. As an example, the *Chang-Bonta-Nikides* combination proposed by the Examiner fails to disclose, teach, or suggest "the link parameters are weighed unequally in generating the quality indicator," recited in independent Claim 1.

The Examiner relies on the passages of *Bonta* at column 3, lines 24-67 and column 5, lines 24-37 to teach "parameters unequally weighed with respect to computation of quality." (Office Action, page 3.) The passages, however, merely disclose methods for collecting data to establish triggers and rules for monitoring algorithms. According to *Bonta*:

> The present invention provides a method means for collecting RF measurement data from active calls and analyzing this data to determine a

> correlation that uniquely defines attributes which contribute to drop call scenarios. ... The present invention also provides a method for computing parameter settings that will be used by new specialized algorithms as rules designed to avoid drop call patterns; and a method for real-time pattern matching by these new algorithms to avoid a future drop call scenario via a specialized action defined by the rules.

(*Bonta*, column 3, lines 24-34.) That is, *Bonta* discloses computing parameter settings for specialized algorithms.

> *Bonta* discloses details of the methods:

>> From a high level, this invention collects measurement data from a mobile station and/or a base station for each active call. If the call fails, this measurement data is saved as a record of contributing factors leading to the drop call. The data is compared with other drop call records to find a correlation or pattern that can be monitored by future call processing. If a pattern is found, triggers are set and rules are parameterized so that the monitoring algorithms are made aware that a specialized action is required. The specialized action is essentially the execution of a rule when the measurements fit within specific constraints.

(*Bonta*, column 3, lines 39-49; *see also*, *Bonta*, column 5, lines 24-37.) That is, *Bonta* discloses parameterizing rules for monitoring algorithms.

Accordingly, *Bonta* discloses computing parameter settings and parameterizing rules for monitoring algorithms. *Bonta*, however, fails to disclose, teach, or suggest weighing link parameters unequally in generating a quality indicator. Accordingly, for at least this reason, independent Claim 1 is allowable over the *Chang-Bonta-Nikides* combination proposed by the Examiner. For similar reasons, independent Claims 4, 5, 8, 11, 12, 15-17, 19, and 20 are allowable over the *Chang-Bonta-Nikides* combination proposed by the Examiner.

The dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the references of the rejection. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the references of the rejection, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Accordingly, Applicants respectfully request reconsideration and allowance of the Claims 1-6, 8-13, and 15-16.

2. ***Chang* and *Bonta* cannot be properly modified to disclose, teach, or suggest elements of Claims 1-6, 8-13, and 15-16.**

Applicants respectfully submit that *Chang* and *Bonta* cannot be properly modified as proposed by the Examiner to disclose, teach, or suggest elements of the claims. First, Applicants respectfully submit that the prior art cannot be modified or combined to reject claims as *prima facie* obvious because there is no a reasonable expectation of success. The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success. MPEP §2143.02 (citing *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)).

Chang discloses a "method of transmitting power control information to a BSC (Base Station Controller) in a BTS (Base station Transceiver System) of a mobile communication system." (*Chang*, Abstract.) According to *Chang*:

> [T]he BTS extracts a QIB (Quality Indicator Bit) that is a power control command in a frame period from a reverse pilot channel received from the MS according to the FPC mode information and determines the status of the QIB. The BTS transmits information requesting the BSC to change a threshold for a power control on a forward DCCH (Dedicated Control Channel) based on the determined QIB status to the BSC.

(*Chang*, Abstract.) That is, *Chang* discloses a request for changing a power control threshold based on a quality indicator bit.

As discussed above, *Bonta* discloses computing parameter settings and parameterizing rules for monitoring algorithms. There is no reasonable expectation of success that the parameter settings and parameterized rules of *Bonta* would be work in the threshold change request of *Chang*. Accordingly, *Chang* and *Bonta* cannot be properly modified to disclose, teach, or suggest elements of the claims.

Moreover, Applicants respectfully submit that there is no suggestion or motivation to make the proposed modification because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP §2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Presumably, modifying the parameter settings and parameterized rules of *Bonta* to work in the threshold change request of *Chang* would render the settings and rules unsatisfactory for the monitoring algorithms. In addition, inserting the settings and parameterized rules of *Bonta* in the threshold change request of *Chang* would presumably render the threshold change request unsatisfactory. Accordingly, there is no suggestion or motivation to make the proposed modification

Furthermore, Applicants respectfully submit that the teachings of the references are not sufficient to render the claims *prima facie* obvious because the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. MPEP §2143.01 (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Presumably, modifying the parameter settings and parameterized rules of *Bonta* to work in the threshold change request of *Chang* would change the principle of operation of the settings and rules. In addition, inserting the settings and parameterized rules of *Bonta* in the threshold change request of *Chang* would presumably change the principle of operation of the threshold change request. Accordingly, the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Accordingly, Applicants respectfully request reconsideration and allowance of the Claims 1-6, 8-13, and 15-16.

3.   The *Chang-Bonta-Nikides-Chheda* combination fails to disclose, teach, or suggest the elements recited in Claims 19 and 20.

For reasons similar to those discussed above, Claims 19 and 20 are allowable over the *Chang-Bonta-Nikides-Chheda* combination proposed by the Examiner Accordingly, Applicants respectfully request reconsideration and allowance of the Claims 19 and 20.

Allowed Claims

Applicants appreciate the Examiner's allowance of Claims 17 and 18.

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Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. If, however, there is a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: December 16, 2005

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